

Religious Approaches to Human Rights

Executive Summary

The subject of the report

This report from Grass Roots Conservatives and the Oxford Centre for Religion in Public Life looks at the relationship between religion and human rights in the contemporary world, focussing on the six major world religions, Christianity, Judaism, Islam, Hinduism, Buddhism and Sikhism

The shape of the report

The report, the writing of which involved consultation with representatives from the religions involved, is in eight chapters.

Chapter 1, 'What is meant by human rights?,' looks at what is meant by the term 'human rights' and traces the development of human rights from the Universal Declaration of human Rights in 1948 to the present day.

Chapters 2-7 look in detail at how Christianity, Judaism, Islam, Hinduism, Buddhism and Sikhism have responded to the development of human rights since 1948, how they understand human rights in the light of their worldview, the diversity of approaches within each religion and areas of tension over human rights in relation to each religion.

Chapter 8, 'Religion and human rights in today's world' explains why religion and human rights should not be seen in opposition to each other and why religion has a vital role in contributing to that human flourishing which is the real concern of human rights.

Six appendices give the full texts of statements about, or declarations of, human rights from the Christian, Jewish, Muslim, Hindu and Buddhist traditions and also the 'Universal Declaration of Rights' produced by representatives from a range of religious traditions in 1998.

The argument of the report

In a recent speech the columnist and social commentator Brendan O'Neill highlights the way in which religion has come under attack in contemporary Europe (including in the United Kingdom). He notes that

Across Europe we're seeing attacks on people of faith, on their right to exercise their freedom of conscience. Swedish pastors arrested for denouncing homosexuality; bakers taken to court for refusing to serve gay weddings; a small Jewish sect threatened with state action because of its rules regarding women's roles in its community life; Islamic schools obsessively investigated in search of radicalism. Religious groups, especially smaller, pretty hardcore one, face a level of state or official investigation that should alarm anyone who, like [Thomas] Paine, believes people must be free to live according to the dictates of their conscience.

What we're witnessing is a silent war on religion. In the 21st century, there is the creeping criminalisation of certain religious views and an undermining of religious groups' right to organise themselves, and those who are voluntarily part of their community of faith, in what they consider to be the most fitting way. Religious people's ability to express themselves publicly is being undermined, and their ability to organise themselves around their faith — such as by having schools and other agencies to propagate their views among their followers — is being undermined too.¹

If we ask what is driving this assault on the free exercise of religious conviction, the answer is that it is in large part driven by a human rights agenda which sees religion and human rights as antithetical not simply on specific issues, but across the board. As the legal scholar Louis Herkin puts it: 'The human rights ideology is a fully secular and rational ideology whose very promise of success as a universal ideology depends on its secularity and rationality.'²

¹ Brendan O'Neill, 'The New Inquisition.', 11.11.2013 at <http://brendanoneill.co.uk/post/132996389494/the-new-inquisition>.

² See, Louis Herkin, 'Religion, Religions and Human Rights,' *The Journal of Religious Ethics*, Vol 26, No.2, Fall 1998, pp. 229-239.

In addition, there is also deep seated fear about religiously inspired violence. The growing threat of terrorist activity driven by an Islamist ideology has led many governments across the world, including the government in this country, to conclude that religion can be dangerous and that the best way to counteract this danger is seek to suppress the dissemination of 'extremist' religious ideas.

What this combination of a secular rights ideology and fear of Islamic terrorism is in danger of leading to, if indeed it has not led to it already, is the undermining of the very rights that human rights advocates and Western governments say that they support.

At the heart of the 1948 Universal Declaration of Human Rights is Article 18 which declares:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.³

The reason why this declaration and the similar provision in Article 9 of the European Convention on Human Rights matter and need to be honoured is because of the link between religion and human flourishing.

What the originators of the modern concept of human rights were trying to achieve was the promotion of human flourishing in the face of the continuing threat to this from political tyranny.

The use of rights language was a tool to try to bring this about. Identifying rights in certain specific areas was intended to be a way of highlighting the duty and responsibility of all human beings to help all other human beings to flourish in those particular areas.

If human rights are about the promotion of human flourishing then the question that this raises is how we decide what makes for human flourishing and hence what 'rights' people should have. The answer is that this is an issue that each individual or group of individuals has to decide for themselves on the basis of their religious or philosophical convictions. In the debate between these varying convictions a secular approach has no greater a priori claim to attention than a religious approach. In fact it can be persuasively argued that secularism is itself a 'religious' approach in that it is a pattern of practice rooted in a commitment to a particular view of the world and the place of human beings in it.

The fact that each of the world's religions approaches the issue of human flourishing on the basis of their own existing pattern of belief and practice does not mean that that a consensus about human rights is impossible. What has taken place since 1948 shows that this is not the case.

What is shown in detail in the report is that the six religious traditions the report looks at have accepted the concept of human rights as set out in the United Nations Declaration of Human Rights and subsequent human rights documents as the basis for what Sumner Twiss has called a 'practical moral consensus' about what makes for human flourishing and what people should do and should not do in consequence.

However, this consensus is an 'overlapping consensus' in the sense that (a) participation in this consensus has been justified on the basis of radically different religious beliefs and (b) not all rights are accepted by the adherents of all religions. As we have seen, in spite of the overall consensus, there is continuing disagreement over issues such as freedom of religion, reproductive rights, gender equality, equality for gay and lesbian people and appropriate forms of punishment.

These continuing disagreements need to be taken seriously, but they should not obscure the significance of what has been achieved since 1948. An overall consensus about what makes for human flourishing has emerged and has been increasingly accepted among the major world religions. Groups such as Islamic State who have no regard for human rights are the exception rather than the rule.

³ The Universal Declaration of Human Rights, in Micheline Ishay (ed), *The Human Rights Reader*, New York and London: Routledge, 1997, p.410.

Another way of looking at the matter is to say that the production of the Universal Declaration of Human Rights in 1948 stimulated a global inter-faith conversation about human flourishing and the duty to support this, with each faith making its own distinctive contribution to the conversation.

Out of this conversation there has emerged a general agreement that in order to flourish in this world and to prepare themselves to flourish in the world to come human beings need:

- Protection of life and person
- Basic necessities such as food, drink, shelter and clothing
- A secure place to live
- Education and health care
- The opportunity to earn a living
- The opportunity to marry and have a family
- Freedom of religion and belief
- Freedom of conscience and speech

Because these eight elements are required to enable human flourishing, religious believers, along with all other human beings, have a responsibility both individually and working with others to see that they are provided.

The report concludes by looking at the human rights implications of models of the relationship between religion and the state. It notes that in every society there has to be some kind of relationship between religion and the state. There have been a huge variety of approaches during the course of human history, but four main models can be identified, (1) A state in which only one religion is permitted, (2) A Secular state, (3) A state which gives general encouragement to religion, but does not endorse any one particular religious approach and (4) a state in which one religion is established, but freedom is given for the exercise of other religions and for unbelief.

The first of these models can provide a strong, coherent and universally accepted moral framework which can help to promote human flourishing. Its big weakness is that it does not allow any place for freedom of religion and belief. The second is dishonest because it claims to be neutral, but isn't. It promotes the religion of secularism, it is a model can tend to be oppressive towards other forms of religion and it is a model whose denial of God and/or an objective transcendent moral law means that it fails to provide a strong and coherent basis for identifying what is good for human beings and hence what needs to be done in order to promote human flourishing.

When they operate well, the third and fourth models, by contrast, can both provide the state with a clear and coherent overall account of what makes for human flourishing while allowing space for dissent and for the free exercise of religion and belief as called for in the Universal Declaration of Human Rights.

The fourth model is the model we have in England with the establishment of the Church of England. The objection is frequently made that in an ecumenical age and in a pluralist society it is wrong for a particular Church and a particular religion to be given a special place in the life of the state.

However, in a divided Church the establishment of the Christian religion necessarily involves the establishment of a particular form or forms of the Christian religion which in this country, for historical reasons, is the Church of England.

Furthermore, aware of its obligations as the established church, the Church of England seek to ensure that it undertakes its role in a way that supports other Christian churches and members of other religions by acting in a way that is helpful to the interests of religion in general as well as Christianity in particular. This is something that is acknowledged by the leaders of other religions who see the establishment of the Church of England as acting as a bulwark against the advent of a secular society in which the importance of religion is no longer given public recognition.

As Michael Nazir Ali has written: 'It is certainly possible for Britain to be both a plural society and a society that acknowledges its Christian basis.'⁴ As the example of the Queen's recent Christmas Messages has shown, it is perfectly possible to draw inspiration from the Christian faith for a coherent vision of human flourishing, and to be

⁴ Michael Nazir Ali, *The Unique and Universal Christ*, Milton: Keynes, Paternoster, 2008, p.16.

open about sharing this inspiration with others while at the same time acknowledging and welcoming the contribution made by those of all faiths and none for the development of the common good.

What all this means is that if the Government is really serious about fostering a shared sense of 'British values' and a shared sense of duty and responsibility it should call an end to the attack on religion noted in the report. It should instead publicly celebrate this nation's Christian heritage and the way in which this provides a coherent and inspiring vision of human flourishing and work together with the Church of England, other churches, and other faiths to strengthen a common commitment to duties and responsibilities based on the consensus about human rights that has developed since 1948.

In the second half of the eighteenth century and the first half of the nineteenth century the revival of the Christian religion (the Evangelical Revival) was responsible for transforming the face of British society and laying a strong foundation for human flourishing from which we continue to benefit today. Given the opportunity, a revival of religious commitment could have a similar beneficial and transformative effect today and is therefore something that politicians should seek to encourage.

I want to finish with some words from the Prophet Micah, who told the people of Judah in the 8th century BC: 'He has showed you, O Man, what is good; and what does the Lord require of you but to do justice, to love kindness, and to walk humbly with your God.' (Micah 6:6-8) As James Limburg writes in his commentary on Micah, what is described here is 'a step-by-step living with God and living for others, acting as advocate for the powerless and showing care for those who are hurting and who need help.'⁵ Building a human rights culture that enables people to flourish needs to be about building a culture in which more and more people want to live in this way. This was the goal of those who created the Universal Declaration of Human Rights back in the 1940s and it is the goal for which we need to continue to strive today.

Representatives consulted:

Mr Desmond Biddulph

Professor Nigel Biggar

Professor John Finnis

Dr Edward Kessler

Rabbi Laura Janner Klausner

Dr Ramesh Pattni

Lord Indarjit Singh

Miss Yasmin Tanova (Islamic Foundation)

⁵ James Limburg, *Hosea-Micah*, Louisville; John Knox Press, 1988, p.193.